

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

CHARLES DAVIS, et al., individually )  
and on behalf of other similarly )  
situated persons, )  
Plaintiffs, )  
v. ) No. 04-0956-CV-W-FJG  
NOVASTAR MORTGAGE, INC., et al., )  
Defendants. )

**ORDER**

Pending before the Court is plaintiff James Fincher's Notice of Acceptance of Offer of Judgment and Motion for Entry of Judgment (Doc. No. 146). Defendants made a Rule 68 offer to plaintiff Fincher in the amount of \$700.00. Defendants also indicated in their Rule 68 offer that they would pay reasonable attorneys' fees in an amount to be set by the Court, as well as recoverable costs.

Therefore, plaintiff's motion for entry of judgment (Doc. No. 146) is **GRANTED. IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that plaintiff James Fincher have and recover from defendants, the amount of **\$700.00** plus costs accrued on the date of the offer. Plaintiff shall submit a motion for award of attorneys' fees on or before **January 30, 2006.**

**IT IS SO ORDERED.**

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/s/Fernando J. Gaitan, Jr.  
Fernando J. Gaitan, Jr.  
United States District Judge

Dated: January 6, 2006  
Kansas City, Missouri